IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 16287 of 1996

Between:

M/s. Goldi Stone Metal Works, Kamanpur, Karimnagar

Represented by its Proprietor G.Harish Kumar, s/o.Jodharam

..... PETITIONER

AND

1)Andhra Pradesh State Electricity Board, Vidyut Soudha,

Somajiguda, Hyderabad represented by its Member Secretary

2)The Chief Engineer (Electricity), A.P.S.E.B., Warangal zone, Warangal

3)The Superintending Engineer/Assessments/SPL/Hyd., A.P.S.E.B., 6-3-347/17/11-A, Dwarakapuri colony, Panjagutta, Hyderabad.

4)The Assistant Divisional Engineer/OP/T/Karimnagar, A.P.S.E.B., Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, calling for the records pertaining to the order of the second respondent herein in proceedings No.CEW/CM.2/ F. Pilferage of Energy/ D.No.216/96, dated 29.06.1996 and set aside the same as illegal, opposed to the principles of natural justice, violative of rule of law and an infraction of Articles 14 and 19 (1)(b) of the Constitution of India.

Counsel for the Petitioner: MR.A.RAMAKRISHNA

Counsel for the Respondents: Smt. M.Vinobha Devi, standing counsel for the respondents.

The Court made the following :

O R D E R :

Heard the learned counsel for the petitioner and Smt. M.Vinobha Devi, learned standing counsel appearing on behalf of the respondents.

The petitioner, which is an industry, filed this Writ Petition, *inter alia,* seeking to assail the final assessment made as per the proceedings dated 29.06.1996 in regard to pilferage alleged to have been committed by the petitioner which has been noticed during the inspection conducted on 11.11.1993. Initially, having found such irregularity, the loss of energy was assessed at higher amount and ultimately after taking into consideration the explanation given by the petitioner, the same was reduced to Rs. 1,91,640/-. It is now represented during course of arguments that the petitioner has already paid Rs.1,32,000/- out of the said amount. In view of the same, especially taking into consideration the fact that the inspection was as long back as on 11.11.1993, the amount of assessment can be reduced to the amount to the extent of amount which has already been paid by the petitioner.

The Writ Petition is, accordingly, partly allowed. No costs.

09.12.2004 ----------

DRK (B.Prakash Rao, J.)

Copy to:

1) The Member Secretary, Andhra Pradesh State Electricity Board,
Vidyut Soudha, Somajiguda, Hyderabad

2)The Chief Engineer (Electricity), A.P.S.E.B., Warangal zone, Warangal

3)The Superintending Engineer/Assessments/SPL/Hyd., A.P.S.E.B., 6-3-347/17/11-A, Dwarakapuri colony, Panjagutta, Hyderabad.

4)The Assistant Divisional Engineer/OP/T/Karimnagar, A.P.S.E.B., Karimnagar.

5) Two CD copies.